UNITED NATIONS

HRI

International Human Rights Instruments

Distr.
GENERAL

HRI/CORE/1/Add.63
28 November 1995

ENGLISH
Original: RUSSIAN

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

UKRAINE

[23 October 1995]

Contents

		Paragraphs	Page
I.	TERRITORY AND POPULATION	1 - 27	2
	A. Geographical outline	1 - 3	2
	B. Population outline	4 - 12	2
	C. Social and economic indicators	13 - 27	3
II.	GENERAL POLITICAL STRUCTURE	28 - 56	3
	A. Brief historical review	28 - 36	5
	B. State organization, political regime, form of government	37 - 42	6
	C. Executive power	43 - 46	7
	D. Legislative power	47 - 49	8
	E. Judicial power	50 - 56	8
III.	GENERAL LEGAL SYSTEM ENSURING THE PROTECTION OF HUMAN RIGHTS	57 - 77	9
IV.	INFORMATION AND PROPAGANDA	78 - 81	13

GE.95-19767

I. TERRITORY AND POPULATION

A. Geographical outline

1. Ukraine is a State located in the central and south-eastern part of Europe. It has a total area of 603 700 sq.km. and borders on Moldova, Romania, Poland, Hungary, Belarus, Russia and Slovakia. The total length of its frontiers is 6 500 km, including 1 050 km of maritime frontiers.

2. The climate in most of the country's territory is moderate-continental; only a narrow strip in the extreme south-east of the Crimean peninsula has a subtropical climate. Ukraine is situated in three physico-geographical zones - mixed forest, forest-steppe and steppe - and two mountain massifs, the Carpathian and the Crimean. The relief is generally flat. The relative warmth of the climate is conducive to the development of agriculture, while the presence in the soil of almost all useful minerals required in the national economy favours the development of industrial production.

3. Ukraine is composed of 24 regions, the Autonomous Republic of Crimea, 481 districts, 436 towns, 925 urban-type settlements, and 9 211 villages. The capital of Ukraine is Kiev. The average population density is 86.3 persons per sq.km.

B. Population outline

4. As of 1 January 1995, the population stood at 51.7 million, including 24.0 million men (46%) and 27.7 million women (54%). The urban population was 35.1 million and the village population 16.6 million. As of 1 January 1995, the number of women per 1000 men was 1 153 (1 137 in towns, 1 180 in the countryside).

5. The population's age pattern was as follows: as of 1 January 1995 the number of persons above working age was 11.5 million, or 103% of the 1990 level. The number of persons of non-working age per 1000 persons of working age is 797. Persons below working age account for 22.4% of the total population. Persons of working age (women: 16-54 years, men: 16-59 years) represent 55.6% of the total population and persons above working age, 22.0%. Ukraine is one of the countries with the "oldest" population, the average age of its citizens being 35 years.

6. National composition of the population. Ukraine is a multi-ethnic State. Representatives of 130 nationalities and ethnic groups live in its territory. The main nationality is Ukrainian (37.4 million persons or 72.2% of the total population). The other ethnic groups, which total around 14 million persons, include 13.3 million Russians (81%), 486 000 Jews, 440 000 Belarussians, 325 000 Moldovans, 234 000 Bulgarians, 219 000 Poles, 163 000 Hungarians, 135 000 Romanians and others. According to the "Declaration of Rights of Nationalities of Ukraine" which has been adopted, the Ukrainian State guarantees equal political, economic, social and cultural rights to all nationalities, national groups and citizens living in its territory .

7. The official State language is Ukrainian. All national groups are guaranteed the right of free use of their native tongue in all spheres of public life and, in areas compactly settled by specific national groups, the right to

the use of the recognized vernacular of the area's population side by side with the official State language.

8. The multinational composition of the population of Ukraine is also reflected in the national composition of families. Two-thirds of Ukraine's total of 14 million families are single-nationality families, while the remaining one-third include family members belonging to different nationalities.

9. In 1994, the average length of life was 68.0 years. Average life expectation at birth is 62.8 years for men and 73.2 years for women.

10. Ukraine has a very high child mortality figure. In 1994, there were 14.5 deaths of children aged less than 1 year per 1000 live births. This fact is due to a number of causes: a generally catastrophic deterioration of environmental conditions,
particularly as a result of the Chernobyl disaster, the general state of health of women, conditions of work for pregnant women, etc.

11. The childbed mortality figure in 1994 was 31.3 maternal deaths per 100 000 births.

12. The country's falling birthrate is due principally to changes in the age pattern of the population. By the end of 1994, the number of women of maximum fertility age (20-29 years) had diminished by 213 500 (5.8%) as compared with 1989. The fertility factor (average annual number of births per 1000 women aged 15 to 49) was 41.2. The total birthrate coefficient (average number of children per woman) was 1.5.

C. Social and economic indicators

13. Ukraine, which inherited a heavy legacy of problems from the former USSR, is going through a period of fundamental political and economic change. During the four years which have elapsed since independence, the State has laid the basic foundations for a democratic political system and civil society.

14. In October 1994 the President of Ukraine proclaimed a new economic policy based on far-reaching economic reforms designed to build an integral, socially oriented, multi-structured national economy of the market type capable of ensuring the material well-being of the nation and the true independence of the State.

15. The programme of economic transformation which has been adopted provides for the attainment of strategic goals of the greatest importance: financial stabilization is to be achieved by drastically reducing the inflation level; the country's balance of payments is to be balanced by promoting export activities; foundations for stable economic growth are to be laid by creating the conditions necessary for economic activity. The reforms programme includes carrying through a land reform, speeding up privatization, encouraging the development of the private sector while gradually winding down the system of State orders, reducing the level of Government subsidies to enterprises and transforming the banking system through extensive diversification and specialization of banking establishments. An organic part of the programme consists in offering incentives to external trade by cutting the list of goods subject to quotas and licences, introducing a system whereby the economic interests of the State are

protected from unfair competition, and supporting the market mechanism for forming the exchange rate of the national currency, by organizing the resumption of the activities of an inter-bank foreign currency exchange.

16. The most important goal of the Ukraine Government is to ensure equal and favourable operating conditions for national and foreign investors and to create an attractive climate for investment in Ukraine, principally by improving the legal conditions for foreign investment and by developing an infrastructure for international business.

17. As a result of steps undertaken in 1995, the Ukraine Government has in all essentials succeeded in creating an extensive privatization infrastructure and achieving substantial advances towards the creation of a national market. The processes of primary accumulation and setting up of a national capital and developing competitive enterpreneurial structures have been essentially completed. There are signs of stabilization in the areas of finance and prices, the State budget deficit is being reduced by stages, and some successes have been achieved in reducing inflation.

18. Ukraine has become more attractive to foreign investors owing to financial stabilization, the liberalization of domestic and external trade and the lowering of the level of inflation to 5% per month, as well as to reduced investment risks. As of 1 July 1995 the volume of direct foreign investment was US$ 560 million and the figure should rise to US$ 700 by the end of the year. More than 2 000 joint enterprises are operating in Ukraine today and their share of GDP amounts to over 3%.

19. Thanks to the continuous attention given to the coordination of international technical assistance programmes and projects, it has proved possible to achieve an increase in the amount of incoming financial resources and of their utilization in key sectors of the economy. Compared with the previous year, the volume of technical assistance received under the TACIS programme has risen by a factor of 1.2 and amounts to 90.5 million ECU.

20. In 1995 positive trends began to take shape for the first time in the foreign trade links which Ukraine maintains with more than 130 of the world's countries. A positive external trade balance of US$ 39 million was achieved, while the total volume of external trade turnover during the first 7 months of 1995 rose to US$ 11.5 billion, or 14% over the level of the corresponding period in 1994.

21. At the same time, despite the energetic steps undertaken by the Government and despite the positive developments referred to, an analysis of the general indicators of the economic situation in Ukraine shows that complex problems still remain to be solved in the social and economic fields. Production continued to decline during 1993 and 1994. Within that period, the GDP fell by 47.5% (23% in 1994) to 1 137 794 billion karbovantsy (krb). According to data provided by Ukraine's European Centre for Macroeconomic Analysis the per capita GDP in 1994 was 912 dollars (2 467 dollars in 1990).

22. In 1994, Ukraine's consolidated budget deficit corresponded to 9.6% of the GDP. The budget deficit for 1995 is planned at 7.3%.

23. As of 1 January 1995, Ukraine's external State debt amounted to US$ 4.8 billion, of which US$ 2.7 billion to the Russian Federation for deliveries of energy. Ukraine has an imports dependency factor of 41%.

24. As of 1 August 1995, 120.400 citizens were registered with the State Employment Service as not being in employment; 89.200 of these had the status of unemployed persons. The unemployment level on 1 August 1995 corresponded to 0.32% of the working population, some 72% of the unemployed being women. At the same time, according to World Bank estimates, latent unemployment in Ukraine amounts to as much as 35%.

25. Although nominal wages increased by a factor of 4.2 in 1994, real wages, according to estimates of the National Strategic Research Institute, were 5 times lower in December 1994 than the average monthly wage in 1990.

26. According to the 1989 census, Ukraine had 42 000 illiterate citizens aged between 9 and 49 years, of whom 22 000 were men and 20 000 women. The overwhelming majority of this sector of the population are not capable of working. Persons with higher education accounted for 9.5%, those with specialized secondary and incomplete higher education for 17.9% and those with general secondary education for 28.5% of the total population.

27. Thirteen religious faiths forming a total of 8 021 communities were registered in Ukraine in 1989. As of 1 May 1994, there were 69 active churches and other religious groupings forming 14 973 communities. The largest among them at the present time are the Ukrainian Orthodox church (Moscow patriarchate, 5 854 communities), the Ukrainian Greco-Roman church (2 952 communities), the Ukrainian Orthodox church (Kiev patriarchate, 1944 communities) and the Union of Evangelical Christian Baptists of Ukraine (1 348 communities).

II. GENERAL POLITICAL STRUCTURE

A. Brief historical review

28. In the second century B.C. the areas of Ukraine which are now forest-steppe, woodlands and partially steppe were inhabited by Slavic tribes practising agriculture and animal breeding. From the fourth century A.D. onward their successors, the Eastern Slavs, who lived in the territory of today's Ukraine, combined to form the ethnic group known as "Anty". The social and economic development of the Eastern Slavs led in the middle of the 9th century A.D. to the emergence of a new political formation, Kievan Rus, a State more than half of whose territory from the Carpathians to the Volga and from the White Sea to the Black was settled by a proto-Ukrainian population. The specific features of this State were its developed legal culture, its written laws and its tolerant relations with neighbouring peoples.

29. By the 12th century Kievan Rus had broken up into some fifteen independent principalities. In 1240 the capital of Rus, Kiev, was captured by the Tataro-Mongols, but the legacy of Ukrainian statehood was taken up by Galich-Volhynian Rus (13th century) and, later, by the Principality of Greater Lithuania (mid-14th century until 1569).

30. In the middle of the 16th century a military Cossack formation, the Zaporozhye Sech, was created in the lower reaches of the river Dnepr and became the centre of the struggle for the revival of the Ukrainian State.

31. The national liberation war waged by the Ukrainian people in the mid-17th century under the leadership of Bogdan Khmelnitsky restored Ukraine to independence. Military and political successes facilitated the rebirth of ancient Ukrainian laws and the development of new laws.

32. As a result of the anti-Ukrainian policies of Russian Tsarism, Ukrainian statehood was again abolished at the end of the 18th century and until 1917 the Ukrainians remained under the yoke of foreign empires, those of Russia and of Austro-Hungary.

33. After the fall of autocracy in Russia a new attempt was made to restore the Ukrainian State. A Ukrainian People's Republic was proclaimed on 20 November 1917. Domestic problems and the aggressive policies of Ukraine's neighbours led to loss of statehood in 1920.

34. 1920-1990: The principal stages of this period were the victory won in the Second World War, the "thaw" of the Khrushchev era, the "period of stagnation" under Brezhnev, the indecisiveness of Gorbachev's perestroika and the collapse of totalitarianism. This period was accompanied by the enforced Russification of the whole of Ukraine's political and public life.

35. The State Independence Act adopted by the Supreme Council of Ukraine on 24 August 1991 and confirmed by a national referendum on 1 December of the same year proclaimed Ukraine an independent sovereign State. This occurred as a result of the de facto break-up of the USSR initiated by its constituent republics.

36. Ukraine is a founder State of the United Nations and has been a full Member of the Organization from its inception. On 30 January 1992 Ukraine became an independent full member of the Conference on Security and Co-operation in Europe. On 26 September 1995 the Parliament of the Council of Europe voted almost unanimously (with one abstention) to admit Ukraine to membership of the Council of Europe.

B. State organization, political regime, form of government

37. In terms of its State organization Ukraine is a unitary State founded upon the principles of unity, indivisibility, inviolability and integrity of its national territory.

38. The Autonomous Republic of Crimea is an autonomous administrative-territorial entity forming part of Ukraine. It decides independently on matters placed within its competence by the Constitution and the laws of Ukraine. Implementation of the laws of Ukraine is mandatory in the territory of the Autonomous Republic of Crimea.

39. Ukraine is an independent democratic State governed by the rule of law. It was created on the basis of the Ukrainian people's exercise of its sovereign right to self-determination, expresses the will of its people and protects its citizens.

40. In Ukraine, all power belongs to the people. The people is the only source of power, which it exercises directly through referendums as well as through a system of State and local self-government bodies.

41. As to its form of government, Ukraine has elements both of a presidential and of a parliamentary republic (presidential-parliamentary republic).

42. On 8 June 1995 a Constitutional Treaty was concluded between the Supreme Council of Ukraine and the President of Ukraine on the main principles of the organization and operation of State power and local self-government in Ukraine pending the adoption of a new Constitution of Ukraine. The laws of Ukraine remain in operation in so far as they do not run counter to the standards set forth in the Constitutional Treaty. Article 61 of the Treaty provides that a new Constitution of Ukraine must be adopted not more than one year after the date of signature of the Constitutional Treaty.

C. Executive power

43. The Head of State and Chief Executive is the President. The organs of State executive power include the Cabinet of Ministers of Ukraine and the ministries, State committees and departments and their local organs.

44. The President is elected for a term of 5 years by the citizens of Ukraine on the basis of their universal, equal and direct electoral rights. He is elected by secret ballot and may not be elected for more than two terms. As Head of Government, the President acts as the guarantor of the rights and freedoms of the human being and the citizen, the sovereignty of the State, the independence, inviolability of frontiers, the national security and territorial integrity of Ukraine, and compliance with the Constitution and laws of Ukraine. As Chief Executive, the President heads the system of organs of State executive power. In carrying out control over the activities of the organs of executive power, the President is entitled to revoke decisions and orders of the Cabinet of Ministers and of organs of executive power of the Autonomous Republic of Crimea, as well as instruments of ministries and departments which run counter to the Constitution and laws of Ukraine or to decrees and orders of the President of Ukraine.

45. Within the limits of his competence, the President issues decrees and orders whose implementation is mandatory in Ukrainian territory and provides interpretations of such decrees and orders. The powers of the President are clearly regulated by the Constitutional Treaty concluded between the President of Ukraine and the Supreme Council. On 10 July 1994, Leonid Danilovich Kuchma was elected President of Ukraine.

46. The Cabinet of Ministers of Ukraine is subordinated to the President and is accountable to him. The Supreme Council of Ukraine may vote its non-confidence in the whole of the Government of Ukraine or in individual members thereof, and this automatically entails their resignation. Within a month of the Government's assumption of its duties or its resignation, the President of Ukraine appoints a Prime Minister and forms a new Government (Cabinet of Ministers). In 1995, Yevgeniy Kirillovich Marchuk was appointed Prime Minister of Ukraine.

D. Legislative power

47. The Supreme Council of Ukraine is the sole organ of legislative power in Ukraine. It is composed of 450 people's deputies elected for four years on the basis of universal, direct and equal electoral rights by secret ballot in electoral districts having an approximately equal number of voters.

48. The Supreme Council of Ukraine considers and decides upon matters which, in accordance with the rules in force of the Constitution of the Ukraine and the Constitutional Treaty, do not fall within the competence of organs of State executive or judicial power, representative organs or organs of local self-government and are not matters that must be settled exclusively by popular referendum. The Supreme Council of Ukraine cannot delegate its powers to other organs except in cases provided for by the Constitution of Ukraine and the Constitutional Treaty.

49. The Supreme Council of Ukraine adopts the Constitution of Ukraine, the laws of Ukraine, codes and other codified instruments, makes amendments and additions thereto, provides official interpretations thereof and adopts decisions in matters of administrative and territorial organization of Ukraine; it names or renames inhabited localities in Ukrainian territory and determines the legal regime governing the State borders.

E. Judicial power

50. After the proclamation of independence a judicial reform designed to establish an independent judiciary was initiated in Ukraine. In April 1992 the Supreme Council adopted a "Concept of judicial-legal reform in Ukraine" which provides for a set of essential measures of an organizational and legislative nature.

51. Judicial power in Ukraine is exercised exclusively by the courts. The judicial system of Ukraine is formed of the Constitutional Court of Ukraine, arbitration tribunals and general courts. By virtue of article 40 of the Constitutional Treaty, judges are inviolable, independent and subordinate only to the law. Judicial supervision of the legality of decisions of general courts and arbitration tribunals is exercised, respectively, by the Supreme Court of Ukraine and the Supreme Arbitration Tribunal of Ukraine.

52. In accordance with the Constitution in force, the general courts of Ukraine are the following: the Supreme Court of Ukraine, the Supreme Court of the Republic of Crimea, regional courts and the city courts of Kiev and Sebastopol assimilated thereto, city, interregional, okrug (inter-district) and district (city) courts, and military courts.

53. General courts administer the law through court proceedings in civil, criminal and administrative cases. Appeals against court decisions may be lodged with the Court of Cassation by the parties and other persons involved in the case. Court decisions which have entered into legal force may be reviewed by way of judicial supervision or in the light of newly revealed circumstances.

54. The system of arbitration tribunals is as follows: Supreme Arbitration Court of Ukraine, Arbitration Tribunal of the Republic of Crimea, regional arbitration tribunals, and arbitration tribunals of the cities of Kiev and

Sebastopol. Arbitration tribunals administer the law in matters pertaining to economic relations.

55. The Constitutional Court is a collegiate body. The Chairman of the Constitutional Court is appointed by the Supreme Council pursuant to a joint submission of the Chairman of the Supreme Court and the President of Ukraine. The Supreme Council appoints one-half of the judges of the Constitutional Court (the other half is appointed by the President) and takes the oath of Constitutional Court judges.

56. The Constitutional Court of Ukraine considers and rules upon cases relating to the compatibility with the Constitution of laws of Ukraine, other instruments adopted by the Supreme Council, decrees and decisions of the President, decisions and orders of the Cabinet of Ministers, ministries and departments; breaches of power by organs and officials of legislative and executive power; and incompatibility with the Constitution and international instruments recognized by Ukraine of any law or other instrument that violates human rights and freedoms. The decisions and conclusions of the Constitutional Court are final and must be unconditionally complied with by all State organs, officials, citizens' associations and individual citizens. (The Constitutional Court has not yet been formed.)

III. GENERAL LEGAL SYSTEM ENSURING THE PROTECTION OF HUMAN RIGHTS

57. Law enforcement organs. The activities of law enforcement organs are based on unconditional compliance with Ukraine laws and with international agreements, taking into account the rights, freedoms and lawful interests of citizens. Law enforcement activities in Ukraine are exercised by special organs which include, first and foremost, the following: the prosecutor's office, the Ministry of Internal Affairs with its system of organs, the Security Service of Ukraine, the Ministry of Justice, and the legal profession.

58. The network of organs of the prosecutor's office of Ukraine comprises the General Prosecutor's Office of Ukraine, the Prosecutor's Office of the Republic of Crimea, the prosecutor's offices of the regions and districts (cities), and specialized military, transport and ecological prosecutor's offices. In accordance with the Ukraine Prosecutor's Office Act,
the main task of the prosecutor's office is to exercise supervision over compliance with and application of the law.

59. The Ministry of Internal Affairs coordinates and ensures the application of State policies relating to the preservation and protection of the rights and freedoms of citizens and of State and public interests from unlawful encroachments upon them.

60. The Ministry of Justice prepares draft legislation and amendments and additions thereto, ensures the organization of judicial activities and coordinates activities relating to the provision of legal assistance to the population.

61. The task of the Security Service of Ukraine is to protect the independence of Ukraine and its constitutional structure, territorial integrity and defence capacity against intelligence and sabotage activities by foreign States.

62. The legal profession is a public voluntary professional association called upon by virtue of the Constitution to assist in the protection of the rights and freedoms of Ukrainian citizens, foreign citizens and stateless persons, to represent their lawful interests and to provide them with other legal assistance. According to the Constitution and to the Legal Profession Act adopted on 19 December 1992, the task of the legal profession is to assist in the protection of the rights, freedoms and legal interests of citizens.

63. An individual who considers that one of his rights has been violated is entitled to legal assistance by a qualified defence counsel. In cases provided for by law, the participation of defence counsel in the case is mandatory and is financed by the State. In criminal proceedings, defence counsel participates in the case from the moment that the individual is charged or arrested or taken into custody as a law enforcement measure, but in any case not later than 24 hours from the moment of arrest. Defence counsel is entitled to meet the suspected or accused individual even before the first interrogation.

64. By virtue of article 37 of the Constitution of Ukraine, citizens of Ukraine enjoy the full range of social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution and laws of Ukraine. The exercise by citizens of their rights and freedoms may not infringe public and State interests or the rights of other individuals.

65. Any individual present in the territory of Ukraine is entitled to apply for judicial, administrative or other non-judiciary protection of his or her rights using all means not prohibited by law. A trend is to be noted towards more widespread use of judiciary proceedings in the protection of citizens' rights and freedoms and a more limited recourse to administrative discretion.

66. Justice is administered in Ukraine in accordance with the principles set forth in the Constitution of Ukraine. The most important of these principles are:

- citizens are equal before the law and the courts;
- citizens have the right to be defended in court;
- no one may be found guilty of the commission of a crime or punished otherwise than by a sentence of the court and in accordance with the law;
- judges enjoy independence, irremovability from office and inviolability of status ;
- proper conditions for the work of courts and judges are guaranteed by the State;
- the status of judges is incompatible with membership in political parties or movements, participation in political activities, performance of remunerated work or possession of a representation mandate of any kind;
- public and open consideration of cases in all courts;

- justice is administered on the basis of contestation and equality of rights as between the parties;

- all courts are established on the basis of contestation and the participation of people's assessors (juries);

- any material or moral damages arising as a result of judicial error or of unlawful actions by organs of the courts, the prosecutor's office or the investigation and inquiry services are restituted at the expense of the State.

67. Article 248-1 of the Civil Procedural Code of Ukraine provides that a citizen has the right to apply to the courts with a complaint if he considers that his rights have been infringed by the actions of an official.

68. Actions committed by officials exceeding their authority in violation of the law include those as a result of which:

- a citizen is unlawfully deprived of the possibility fully or partially to exercise a right enjoyed by virtue of the law or of other normative instruments;

- an obligation is unlawfully imposed upon a citizen (article 248-2 of the Civil Procedural Code of Ukraine).

69. Civil proceedings before the courts in cases of a civil action commence with the bringing of the action; in cases relating to administrative law and in individual cases, they commence with the submission of a complaint or application.

70. Under the laws of criminal procedure of Ukraine, the participants in the trial, and in particular the accused, defendant or suspect, defence counsel, victim, civil claimant or civil respondent have the right to submit complaints relating to actions or decisions of the person conducting the inquiry, the investigator, prosecutor or judge or the court.

71. By virtue of the Ukraine Act "On procedure for the restitution of damage caused to a citizen by unlawful actions of organs of inquiry, preliminary investigation, prosecutor's office or court", citizens of Ukraine are entitled to restitution of damages arising from:

(1) unlawful conviction, unlawful bringing to trial as an accused, being unlawfully taken into custody or kept in custody, unlawful search or confiscation in the course of investigation or court examination of a criminal case, unlawful seizure of property, unlawful removal from work (office), or other procedural actions which restrict the rights of citizens;

(2) unlawful application of administrative arrest or corrective labour; unlawful confiscation of property, unlawful imposition of a fine;

(3) unlawful application of operational investigation measures.

The damage caused is restituted in full irrespective of the degree of guilt of officials or organs of inquiry, preliminary investigation, prosecutor's office or court. In the cases listed above, restitution is made to the citizen for:

- earnings and other financial revenues forfeited by him or her as a result of unlawful actions;

- property (including moneys, financial contributions, etc.) confiscated or converted into State revenue by the court, confiscated by organs of inquiry or preliminary investigation or organs conducting operational investigation activities, as well as property which has been seized;

- fines imposed in execution of a court sentence, judicial costs and other costs paid by the citizen;

- moral damages.

As to rehabilitation, the person concerned must apply to organs of the prosecutor's office or to the courts responsible for the last judicial decision taken. In the event of disagreement with the finding (decision) of the court, the latter may be appealed against to a higher court of cassation.

72. A new article 440-1 which has been added to the Civil Code provides for restitution of moral damages to a citizen or organization arising from any action by another person who may have infringed their lawful rights. Moral damage is restituted in the form of money or another material form in accordance with the decision of the court independently from restitution of material damages. Judicial practice in such cases is currently rather active.

73. Professional legal guarantees of the right to defence have also improved since independence as a result of the development of the legislative basis for the organization and activities of the legal profession. The Ukraine Act "On the Legal Profession" adopted in December 1992 confirmed the lawyer's truly independent status and enhanced his legal and social prestige.

74. In deciding upon a case, the court is guided in its activities by the appropriate Codes and other legislative instruments of Ukraine as well as by international instruments of Ukraine which have been concluded and duly ratified by the Supreme Council of Ukraine and form an integral part of the national legislation of Ukraine. If an international treaty of Ukraine stipulates rules different from those provided by Ukrainian legislation, the rules provided in the international treaty of Ukraine shall apply (article 17 of Ukraine Act "On International Treaties of Ukraine").

75. In cases where the implementation of international treaties of Ukraine requires the adoption of a Ukraine Act, a decision of the Supreme Council of Ukraine, a Decree of the President of Ukraine or decisions of the Government of Ukraine, the ministries concerned, other central organs of State executive power of Ukraine or the Government of the Autonomous Republic of Crimea shall, by agreement with the Ministry of Justice of Ukraine and in accordance with established procedure, submit proposals for the adoption of the appropriate instrument (article 18 of the Ukraine Act "On International Treaties of Ukraine").

76. The draft New Constitution provides for the establishment of the institution of a Plenipotentiary Supreme Court on Human Rights intended to strengthen the extra-judicial protection of human rights in Ukraine.

77. Work is currently in progress on a Decision setting up an interdepartmental commission for human rights whose main tasks will consist in coordinating the activities of ministries, departments and institutions in matters pertaining to the enjoyment of human rights in Ukraine, preparing proposals to bring Ukraine laws into line with international standards and principles in the human rights sphere, coordinating legal education in the human rights sphere, etc. The commission is to be composed of representatives of State law enforcement organs as well as of various other ministries. The commission is headed by the Deputy Prime Minister of Ukraine responsible for humanitarian affairs.

IV. INFORMATION AND PROPAGANDA

78. The Government of Ukraine has drawn up and is giving effect to a National Programme of instruction in legal matters for students in secondary and higher education. A State programme for improving the legal education of the population of Ukraine was drawn up in 1995. These programmes provide for the improved dissemination of legal knowledge among the population as regards both international legal instruments and national laws.

79. Ukraine's reports to bodies established in accordance with various human rights instruments of the United Nations with a view to monitoring the compliance of States parties with their treaty obligations are drawn up by the Government on the basis of information and special data supplied by the ministries and departments responsible for the implementation of specific obligations in the area concerned and coordinated by the Ministry of Foreign Affairs of Ukraine. Non-governmental and public organizations also participate in the preparation of the reports.

80. With a view to making the population widely acquainted with the main international documents in the human rights sphere, the texts of those documents are reproduced in various publications, newspapers and journals. Several compendiums of international legal instruments translated into the Ukrainian language have been published.

81. The mass information media, radio and television play an important role in disseminating information.